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RIGHT TO KNOW
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It's a principle as ancient as bureaucracy itself: What we don't tell them won't hurt us. Running right against that doctrine is the Freedom of Information Act. It's lit up some dark corners in government and created a measure of controversy as well, especially over administration efforts to change it. This is the first of two articles on the workings of the act and the dispute swirling around it.

One summer day in 1966 a lawyer at the U.S. Information Agency burst in on a colleague, Dick Schmidt, in a hand-wringing sweat not related to the heat outdoors.

"What are we going to do with THIS ACT?" he wailed. "Are we going to have to tell THEM?"

THIS ACT was the Freedom of Information Act, newly signed, albeit reluctantly, that July 4 by Lyndon Johnson. THEM? They were the beleaguered lawyer's fellow citizens of the United States of America.

"What are we trying to hide?" Schmidt coolly responded. "We work for those people."

The USIA bureaucrat's alarm resembled what a browsing cockroach might experience when light is suddenly shone in the back of a bread box. Intrusion of unwelcomed illumination makes both species nervous.

However, since that day in 1966, THEM have had the right, with certain exceptions, to ask and be told what is being done for THEM, to THEM and by THEM. With THEIR money.

In 1983 THEM made at least 262,000 requests to some 135 federal agencies for a look at the files. Freedom of Information has joined motherhood, credit cards and the coffee break as cornerstones of the Republic.

FOIA, however, is not quite right, says the Reagan administration. It would like to fine tune it, as with a harpsichord. Friends of FOIA, whom we may acronymize bureaucratically as FOFOIA, say the Reaganites want to butcher it, as with a meat ax.

This would seem to be a struggle over a right as ancient as Ben Franklin's kite. It is not. Nowhere, not in so many words, does the Constitution guarantee the public's right to know. Over the years, the courts have gradually interpreted the First Amendment to imply as much. But it took 179 years for Congress to put it in writing. And it has rewritten it since. FOIA is a battle that has been repeatedly fought, never unalterably won.

The battle will surely be rejoined as soon as the new Congress finds out where its private elevators are. (FOIA, incidentally, does not extend to said Congress. The legislators claim that their doings are in the Congressional Record for all to see).

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